IN THE

Supreme Court of the United States

October Term, 1971

No. 71-1242

RAYMOND NAKAI, CHAIRMAN OF THE NAVAJO TRIBAL COUNCIL OF THE NAVAJO INDIAN TRIBE, FOR AND ON BEHALF OF THE NAVAJO INDIAN TRIBE, INCLUDING ALL VILLAGES AND CLANS THEREOF, AND ON BEHALF OF ANY AND ALL NAVAJO INDIANS CLAIMING ANY INTEREST IN THE LANDS DESCRIBED IN THE EXECUTIVE ORDER DATED DECEMBER 16, 1882,

Petitioner,

v.

CLARENCE HAMILTON, CHAIRMAN OF THE HOPI TRIBAL COUNCIL OF THE HOPI INDIAN TRIBE, FOR AND ON BEHALF OF THE HOPI INDIAN TRIBE, INCLUDING ALL VILLAGES AND CLANS THEREOF, AND ON BEHALF OF ANY AND ALL HOPI INDIANS CLAIMING ANY INTEREST IN THE LANDS DESCRIBED IN THE EXECUTIVE ORDER DATED DECEMBER 16, 1882,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

BRIEF OF HOPI TRIBE IN OPPOSITION

JOHN S. BOYDEN
Attorney for Respondent
Tenth Floor Kennecott Building
10 East South Temple
Salt Lake City, Utah 84111

Of Counsel:
STEPHEN G. BOYDEN
JOHN PAUL KENNEDY
JOHN S. BOYDEN, JR.
BOYDEN & KENNEDY
Tenth Floor Kennecott Building
10 East South Temple
Salt Lake City, Utah 84111

TABLE OF CONTENTS

	Page
OPINIONS BELOW	1
JURISDICTION	1
QUESTIONS PRESENTED	2
STATUTES INVOLVED	2
STATEMENT OF THE CASE	2
ARGUMENT	5
POINT I	
THE DECISION BELOW IS NOT IN CONFLICT WITH THE ACT OF JULY 22, 1958, OR *HEALING v. JONES* AS AFFIRMED BY THIS COURT	6
POINT II	
THERE IS NO CONFLICT OF DECISION	11
POINT III	
THIS PETITION PRESENTS NO IMPORTANT QUESTION OF FEDERAL LAW WHICH HAS NOT ALREADY BEEN DECIDED BY THIS COURT	13
POINT IV	
CONTRARY TO THE URGING OF PETITIONER, THE PURPOSE OF THIS PROCEEDING IS NOT TO REVIEW THE ORIGINAL DECISION OF *HEALING v. JONES*	16
CONCLUSION	17
APPENDIX	
I	A-1
II	A-3
III	A-5
IV	A-7
V	A-11